

Council Communication

Department: Community Development Case No. PC-08-001 Applicant: Buck's Inc. 4973 Dodge St. Omaha NE 68131	Resolution No. <u>08-170</u>	City Council: June 9, 2008 Planning Commission: May 13, 2008
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Subject/Title

Amend the development plan for Mall of the Bluffs to construct a new Bucky's Express gasoline station and convenience store adjacent to Madison Avenue, between the entrance to the Mall of the Bluffs and the Interstate 80 off ramp. Amendments to development plans are approved by City Council resolution after public hearing and recommendation by the Planning Commission.

Background/Discussion

Buck's Inc. intends to demolish the existing 3,050 square foot building at 1759 Madison Avenue and replace it with a 4,280 square foot convenience store with an attached 2,300 square foot car wash. The entrance to the building faces Madison Avenue, with the gas pumps under a canopy and the car wash behind it. The building is a mix of EFIS, split face and smooth face CMU in putty, wheat and vanilla. The two entrances along the mall entrance will be modified for consistency with current standards. There are two other existing driveways on the north side. One slightly realigned drive will remain with reconstruction. These driveways connect to the Mall's private streets and Buck's Inc. will need to assure that all appropriate access agreements are in place with Mall of the Bluffs Partners LLC. Both storm and sanitary sewer are available with adequate capacity to serve the site. Water can be connected from the existing 10" main in Madison Avenue. The existing natural gas service will be abandoned and replaced to serve the new building. The utility plan is shown on Sheet C1.6.

The Community Development Department has agreed to advise the Iowa Department of Transportation (IDOT) of all development within a defined area so they can assess potential impacts to the Interstate reconstruction project within the City. IDOT notes that this development does not appear to impact interstate reconstruction. Grading appears to be confined to the site. There is considerable amount of IDOT row between Bucky's and Madison Avenue for which better maintenance is needed. IDOT has a permit application for landscaping and mowing, based on the proposed activities and subject to safety guidelines. A permit is required for any activity which takes place on IDOT right-of way. The applicant's representative is aware of these items.

Twenty parking spaces, including 2 handicapped stalls are shown. Twenty pump stations will be located under a canopy, with parking adjacent to the six vacuums on the south side of the property. Parking is adequate for the intended use.

The landscaping plan on Sheet C1.7 shows ash trees. Due to the likely infection of the species by an ash borer, the tree has been removed from the City's master street tree list. For that reason, the proposed ash trees must be replaced with another species of similar size.

The attached signage shown for the building is acceptable. There are two detached signs on the site. One detached sign is permitted per premise. There is a 5' by 17'5" and 21.5' tall price sign and a 60' tall pole sign with 170 square feet of sign area along the Interstate. Both will be removed.

Sheet E-5 shows the locations for the conduit for both a monument and a pole sign. They wish to replace the 87 square foot price sign with a 20'5" tall by 6'10" monument sign (total area-139.5 square feet per face) along Madison. The proposed sign area of the pole sign is 10' by 16'8" or 166'6" per face and 60' tall, the same height as the existing pole. Maximum sign height adjacent to the Interstate is 50 feet.

Recommendation

The Community Development Department recommends amending the Mall of the Bluffs development plan as approved by Resolution No. 85-145 and as further amended, including Resolution No. 89-44, dated January 23, 1989 which approved remodeling of the former Amoco site, by approving the site plan as presented, with the following notes and exceptions:

1. The landscape plan as shown on Sheet C1.7, is approved with the following conditions:
 - a. Remove the 'Patmore' and 'Autumn Purple' Ash trees and replace with another species of similar size and spacing requirements.
 - b. All landscaped areas shall be included in the site irrigation system, as noted.
 - c. The irrigation system and landscaping consistent with the approved plan shall be in place prior to issuance of the Certificate of Occupancy for the building.
 - d. Enter into an agreement with IDOT for mowing the IDOT ROW between Madison Avenue and the property line.
2. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity.
3. All applicable permits necessary to meet local state and federal requirements shall be the owner's responsibility. All work in IDOT right-of-way requires a permit.
4. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities.
5. Arrangements shall be completed with the Council Bluffs Water Works by a licensed master plumber for the service connection.
6. Attached signage, as shown is acceptable.
7. Detached signage shall be limited to:
 - a. One 10' tall monument sign, maximum area – 60 square feet per side.
 - b. One 50' tall (maximum) pole sign, maximum area – 150 square feet per face.
 - c. Banners are not permitted.
8. Signage shall comply with all applicable city, state and federal regulations. The applicant or an authorized agent shall obtain all necessary sign permits.
9. Outside storage is not permitted. The trash enclosure shall be fully enclosed and gated at the location shown on the site plan. The enclosure shall be the same or complement the color of the building.

Public Hearing

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends amending the Mall of the Bluffs development plan to construct a Bucky's Express gasoline station and convenience store, subject to the conditions as presented by the Community Development Department.

VOTE: Aye 10 Nay 0 Abstain 0 Absent 1 Motion Carried.

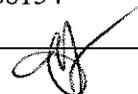
Attachments

Attachment A - Plan Set - 10 pages and Attachment B – detached signs

Representatives: Randy Beiermann, R. L. Fauss, 839 So. Broad St., Fremont NE 68025

DSAG Investments LC/BRG Investments, Cindy McKinster, 11222 Davenport St., Omaha NE 68154

Submitted by: Gayle M. Malmquist, Development Services Coordinator



RESOLUTION NO. 08-170

A RESOLUTION to amend the development plan for Mall of the Bluffs to construct a new Bucky's Express gasoline station and convenience store adjacent to Madison Avenue, between the entrance to the Mall of the Bluffs and the Interstate 80 off-ramp.

WHEREAS, Buck's Inc. intends to demolish the existing 3,050 square foot building at 1759 Madison Avenue and replace it with a 4,280 square foot convenience store with an attached 2,300 square foot car wash; and

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation to amend the Mall of the Bluffs development plan as approved by Resolution No. 85-145 and as further amended, including Resolution No. 89-44, dated January 23, 1989, which approved remodeling of the former Amoco site, by approving the site plan as presented, with the following notes and exceptions:

1. The landscape plan as shown on Sheet C1.7, is approved with the following conditions:
 - a. Remove the "Patmore" and "Autumn Purple" Ash trees and replace with another species of similar size and spacing requirements.
 - b. All landscaped areas shall be included in the site irrigation system, as noted.
 - c. The irrigation system and landscaping consistent with the approved plan shall be in place prior to issuance of the Certificate of Occupancy for the building.
 - d. Enter into an agreement with IDOT for mowing the IDOT ROW between Madison Avenue and the property line.
2. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity.
3. All applicable permits necessary to meet local state and federal requirements shall be the owner's responsibility. All work in IDOT right-of-way requires a permit.
4. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities.
5. Arrangements shall be completed with the Council Bluffs Water Works by a licensed master plumber for the service connection.
6. Attached signage, as shown, is acceptable.
7. Detached signage shall be limited to:
 - a. One 10' tall monument sign, maximum area – 60 sq. ft. per side.
 - b. One 50' tall (max.) pole sign, maximum area – 150 sq. ft. per face.
 - c. Banners are not permitted.
8. Signage shall comply with all applicable city, state, and federal regulations. The applicant or an authorized agent shall obtain all necessary sign permits.
9. Outside storage is not permitted. The trash enclosure shall be fully enclosed.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the development plan for Mall of the Bluffs is hereby amended as set forth above.

ADOPTED
AND
APPROVED

June 9, 2008

THOMAS P. HANAFAN

Mayor

Attest:

JUDITH RIDGELEY

City Clerk

Planning Case No. PC-08-001

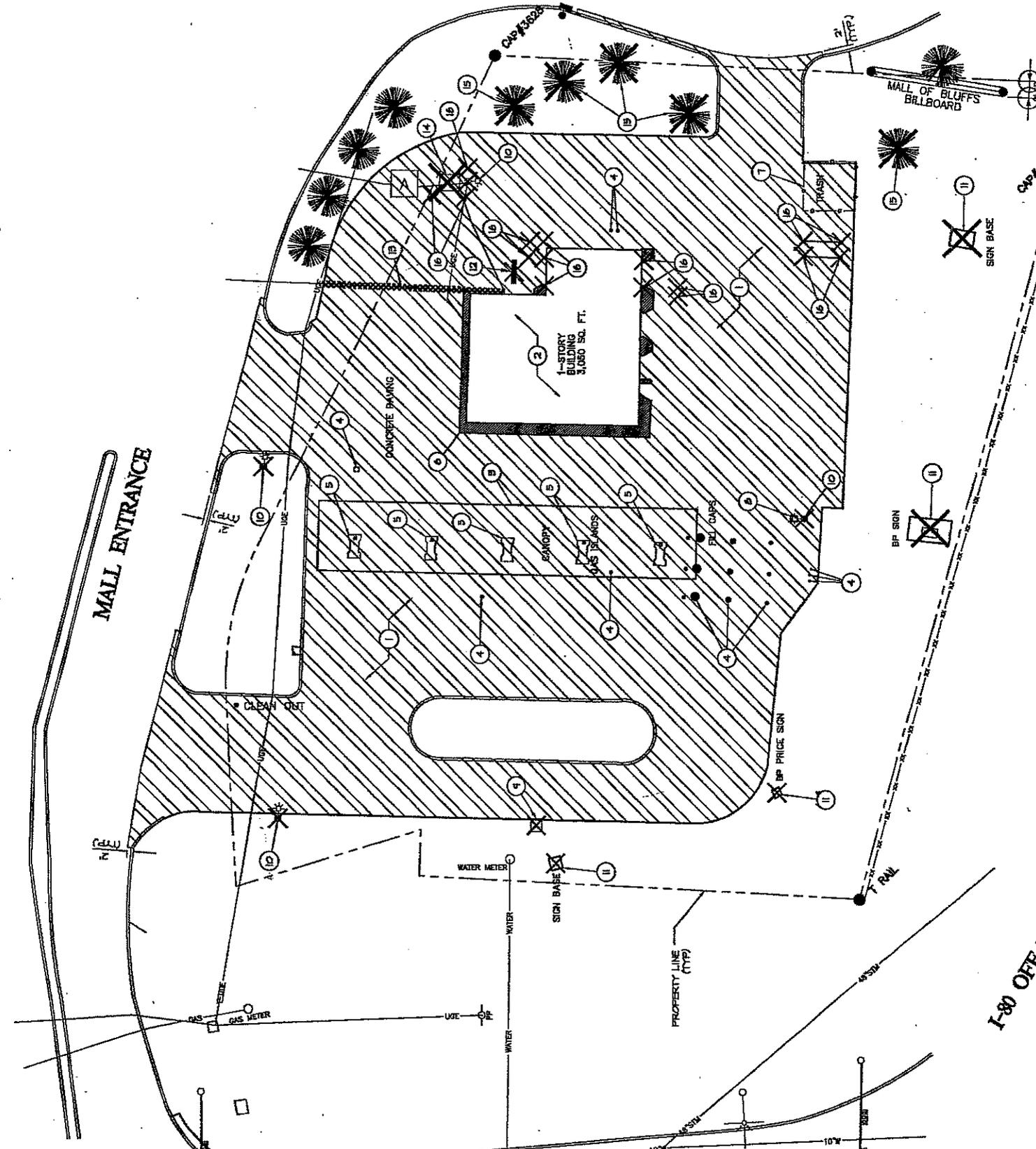
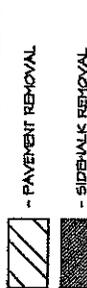
GENERAL CIVIL NOTES

1. THE CONTRACTOR SHALL VERIFY THE MATERIALS TO BE REMOVED PRIOR TO OPERATIONS.
2. THE CONTRACTOR SHALL NOTIFY THE OWNER OF CONDITIONS IN CONFLICT WITH THE COMMENCEMENT OF WORK INDICATED ON THE DRAWINGS.
3. THE LOCATIONS OF ALL AERIAL AND UNDERGROUND UTILITIES SHALL BE FIELD VERIFIED. ALL UTILITY LOCATIONS IN THE CONSTRUCTION THROUGH HOLE OR TRENCH SHALL BE FIELD VERIFIED. EXISTING UTILITIES AND STRUCTURES SHALL BE FIELD VERIFIED AND RECORDED ON THE DRAWINGS.
4. THE DRAWINGS SHALL NOT BE SCALE.
5. ALL PAVING WIDTHS AND RADIIUS DIMENSIONS SHALL BE FIELD VERIFIED.
6. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS REMOVED IN THE PROJECT SITE, INCLUDING CONCRETE, BRICK, ETC. NO UNSUITABLE MATERIAL, AS I DEFINED BY THE LOCAL AGENCIES, SHALL BE USED FOR BACKFILLING OR FOR THE LAYER FOR DISPOSAL OF UNSUITABLE MATERIAL TO THE PROJECT.
7. THE CONTRACTOR SHALL PAY ALL FEES ASSOCIATED WITH THE REMOVAL OF SIGN AT NO ADDITIONAL COST TO THE OWNER.
8. ALL PAVEMENT, CURBS, TREES, SIGNS DESIGNATED FOR REMOVAL WHICH ARE NOT TO BE REMOVED AND REPLACED SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE.
9. ALL PAVEMENT TO BE REMOVED BY THE CONTRACTOR SHALL BE FIELD VERIFIED AND RECORDED ON THE DRAWINGS BY THE ENGINEER.

DEMOLITION KEYNOTES

- 1 REMOVE PAVEMENT
- 2 REMOVE CONVENIENCE STORE AND FOUNDATION
- 3 REMOVE CANOPY AND FOUNDATION
- 4 REMOVE UNDERGROUND TANKS AND FOUNDATION
- 5 REMOVE GAS PIPES
- 6 REMOVE SIDEWALK
- 7 REMOVE TRASH ENCLOSURE
- 8 REMOVE VACUUM AND ALL ASSOCIATED PIPING
- 9 REMOVE TELEPHONE
- 10 REMOVE LIGHT POLE AND FOUNDATION
- 11 REMOVE SIGN AND SALVAGE FOR RECYCLING FOUNDATION. SALVAGED SIGN SHALL BE FIELD VERIFIED AND RECORDED ON THE DRAWINGS.
- 12 REMOVE TRENCH DRAIN AND ASSOCIATED PIPING
- 13 REMOVE TRANSFORMER AND ASSOCIATED PIPING
- 14 REMOVE TREE AND ROOT SYSTEM II
- 15 REMOVE BOLLARD

DEMOLITION LEGEND



I-80 OFF-RAMP

MATERIAL NOTES

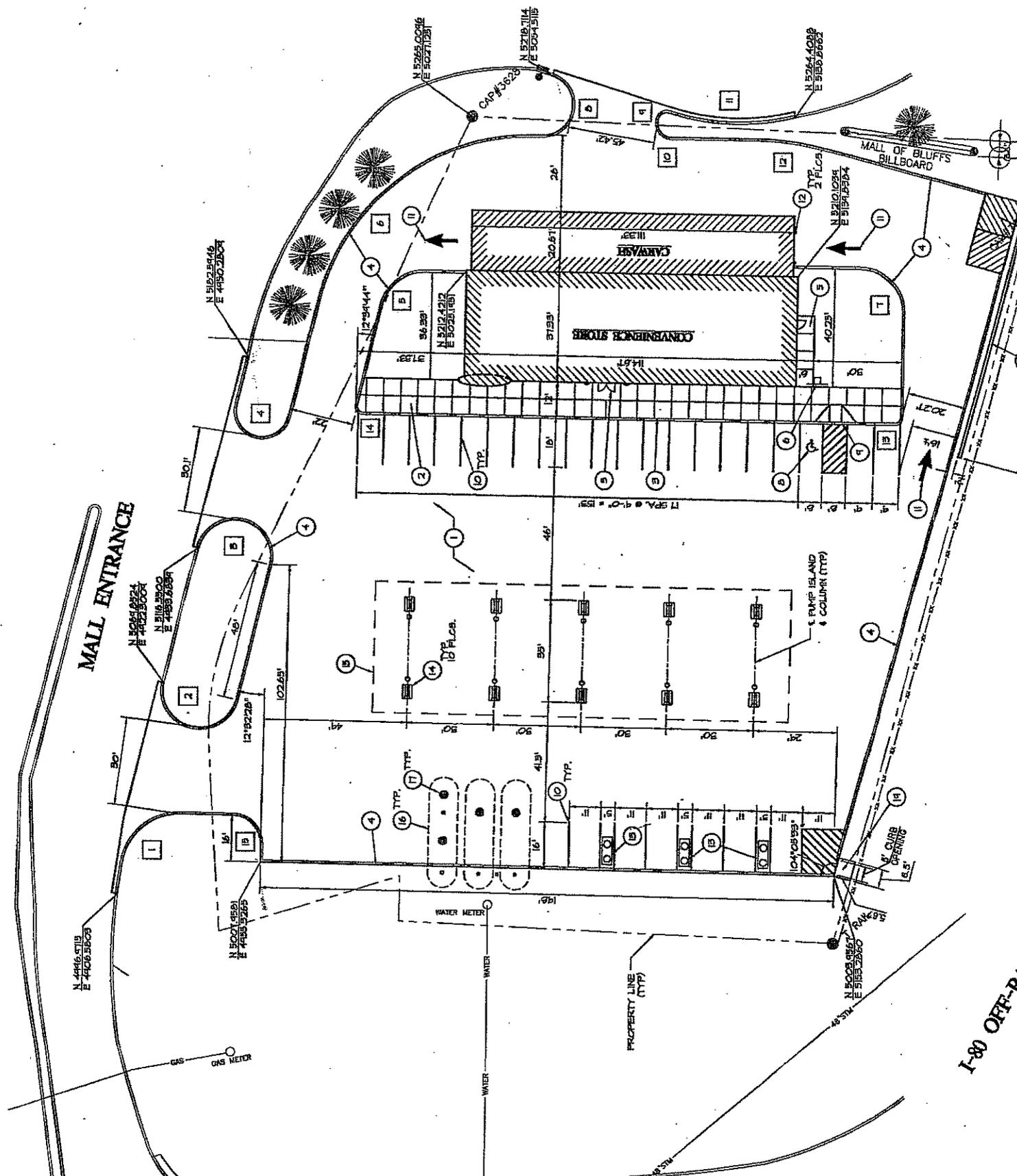
1. CAST-IN-PLACE CONCRETE FOR PA APPLICATIONS SHALL CONFORM TO AIR ENTRAINED CONCRETE AS PER STANDARD SPECIFICATIONS FOR PA TO ASTM A615, GRADE 60 (f = 80p)
2. ALL REINFORCING STEEL SHALL BE EXPANSION-JOINT FILLER STRIPS SH ASTM D-761 AND SHALL BE 1/2" INCH
3. JOINT SEALANT SHALL BE SONNEBEK EQUAL
4. CONCRETE SHALL BE CURED WITH A COMPANION THE CURING COMPANION COMPETING WITH ASTM C-804, TYP
5. WATER REDUCING ADMIXTURE MAY: 1. PAINT STRIPINGS SHALL BE ACRYLIC REQUIREMENTS OF FEDERAL SPECIFIC SHALL BE WHITE. 2. SUBMITTALS: THE CONTRACTOR SHALL SUBMIT IN COMPLIANCE AND/OR TESTING INDI REQUIREMENTS STATED AND REFER EARTHWORK, PAVEMENT, AND AGCE
6. ALL MATERIALS NOT SPECIFIED ON IOWA STATEWIDE URBAN STANDARD IMPROVEMENT (IOWA SUDAS).

RADIUS POINTS

RADIUS	NORTHING
1	5004.507
2	5006.892
3	5119.5641
4	5143.5232
5	5195.7694
6	5195.6952
7	5197.5484
8	5268.5566
9	5269.2214
10	5267.6601
11	5942.6751
12	5171.0922
13	5162.0918
14	5169.9018
15	5044.1946

CONSTRUCTION KEYN

1. P.C. CONCRETE PAVEMENT SEE SHEET C15 FOR PAVEMENT
2. 4" P.C. CONCRETE SIDEWALK
3. 6" P.C. CONCRETE CURB SEE SIDEWALK/CURB DETAIL, SH
4. 6" P.C. CONCRETE CURB SEE INTERNAL CURB DETAIL, SH
5. STRUCTURAL STUOP SEE STRUCTURAL DRAWINGS
6. HANDICAP PARKING SIGN SEE DETAIL, SHEET C23
7. TRASH SCREEN (DOUBLE) SEE DETAIL, SHEET C23
8. HANDICAP STRIPING SEE DETAIL, SHEET C23
9. HANDICAP RAHP SEE DETAIL, SHEET C21
10. PAINT PARKING STRIPINGS (4" W)
11. PAINT TRAFFIC ARROW (WHITE)
12. BOLLARD SEE DETAIL, SHEET C23
13. VACUUM PUMPS BASE
14. GAS MPD
15. FUEL CANYON BY GASOLINE EQ
16. UNDERGROUND GAS STORAGE T
17. GAS FILL CAP



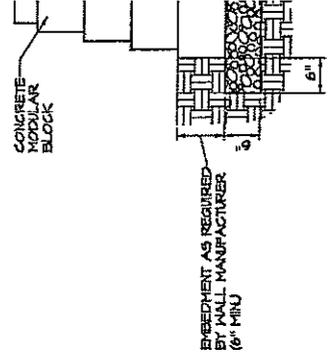
GENERAL GRADING NO

1. IN ALL AREAS WHERE GRADES ARE TO BE ENHANCED OPERATIONS, THE TOPS OF ALL CURBS SHALL BE PLACED IN ACCORDANCE WITH THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION TO OBTAIN GRADES IN ACCORDANCE WITH THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
2. THE UPPERMOST 4 INCHES OF SUBGRADE SHALL BE BROUGHT TO A UNIFORM HIGH DENSITY RECOMPACTION OR BY PLACEMENT OF SUBGRADE SHALL BE COMPACTED TO A DENSITY ACCORDING TO ASTM D-644 TO 95 PERCENT OF OPTIMUM MOISTURE.
3. ENHANCEMENT SHALL BE PLACED IN LAYERS NOT EXCEEDING 4 INCHES AT A TIME AND SHALL BE COMPACTED TO AT LEAST 95 PERCENT OF OPTIMUM MOISTURE CONTENT.
4. ENHANCEMENT AND SUBGRADE SHALL COMPLY WITH THE REQUIREMENTS AT A MINIMUM OF 95 PERCENT OF OPTIMUM MOISTURE CONTENT OR SQUARE YARDS OF ENHANCEMENT OR SUBGRADE SHALL BE 10000 SQ YD.
5. TRANSPORT EXCESS EXCAVATED MATERIAL SHALL BE DEPOSITED AT AN APPROVED FACILITY.

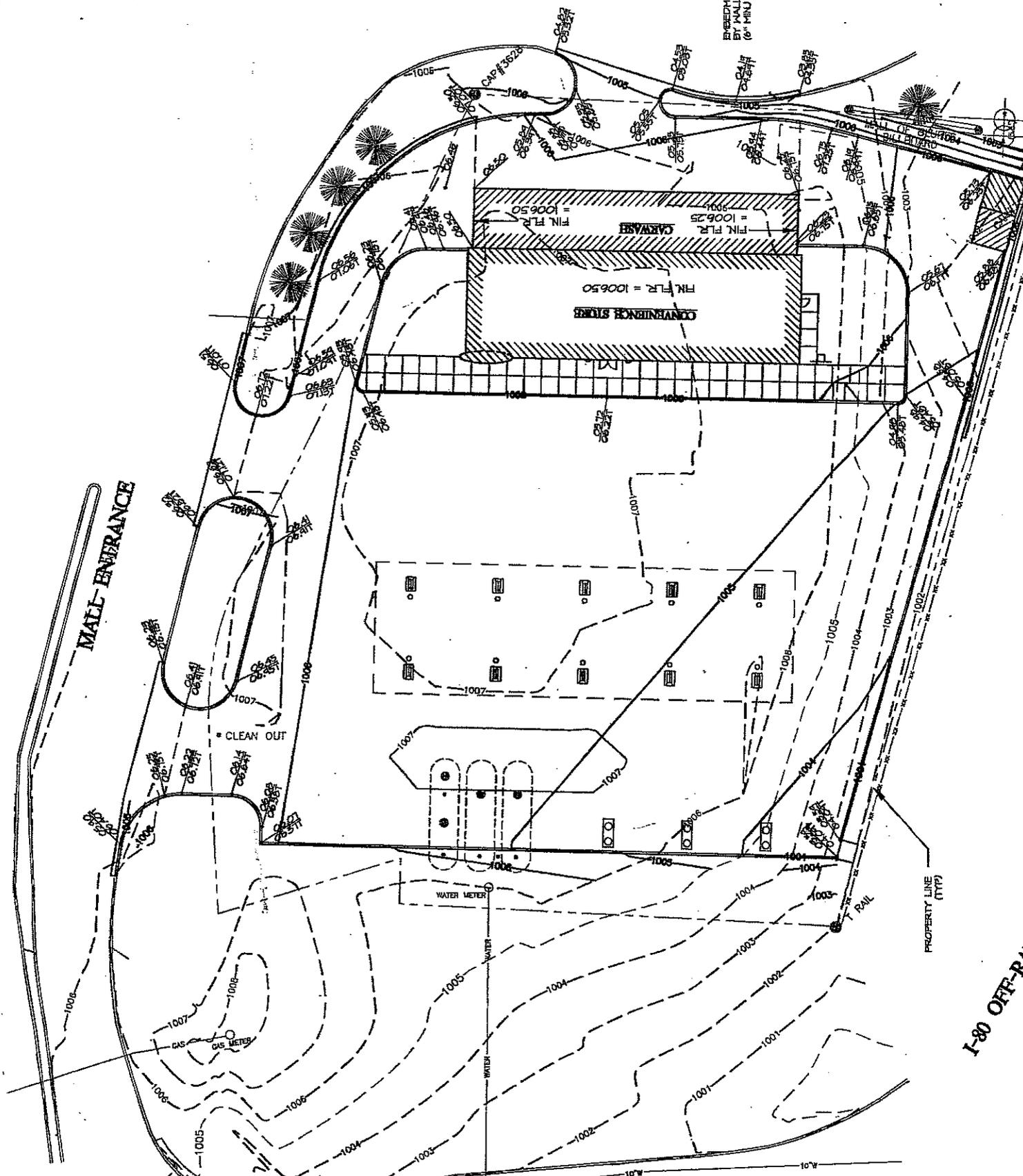
GRADING LEGEND

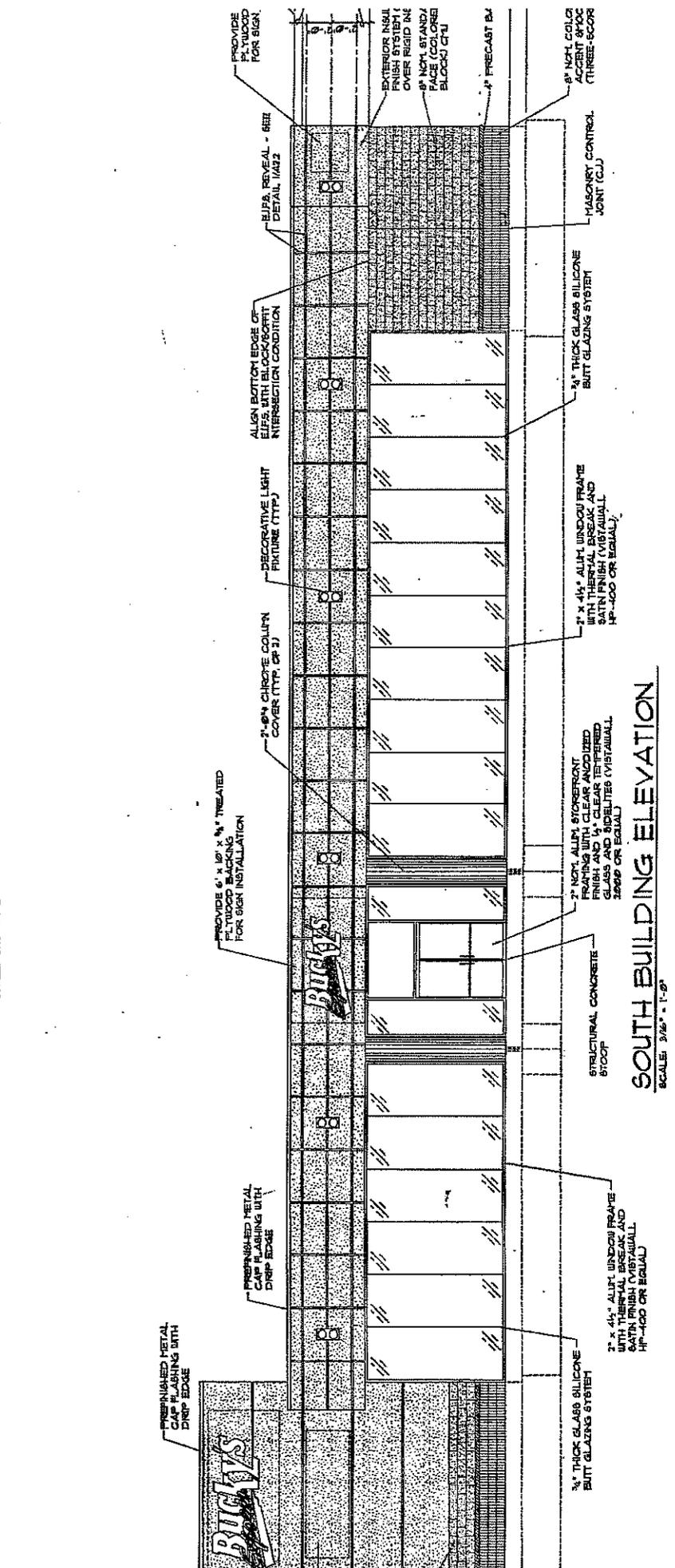
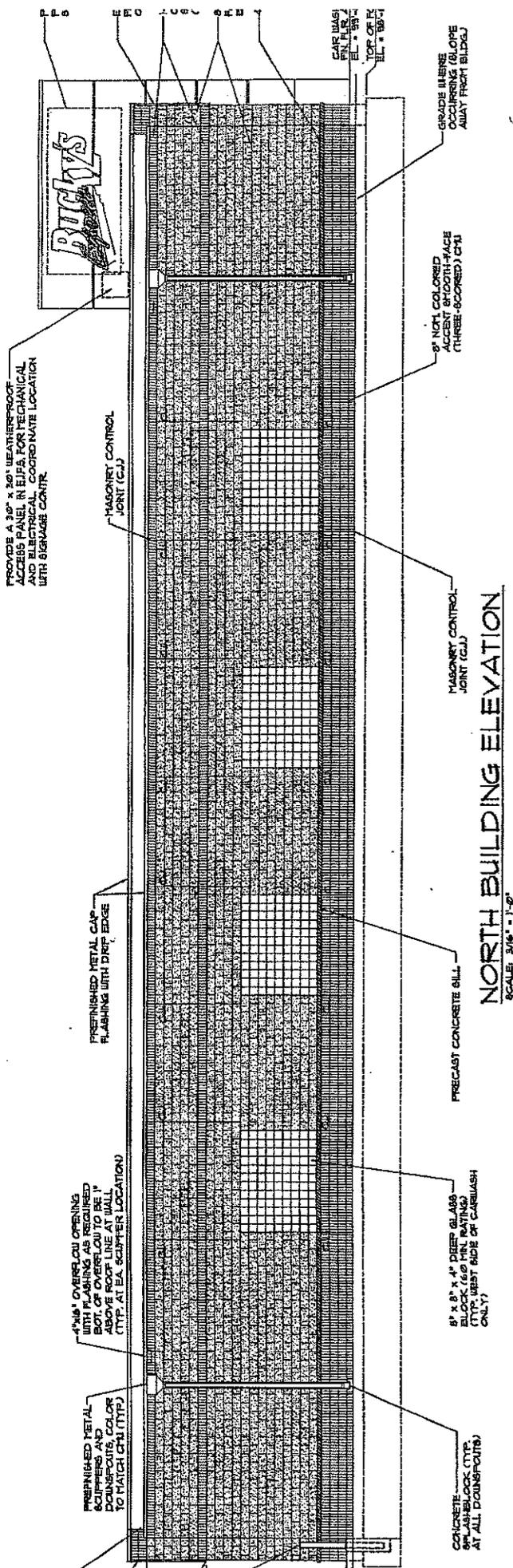
- PAVEMENT SLAB ELE
- TOP OF CURB ELEVA
- EXISTING CONTOUR
- PROPOSED CONTOUR

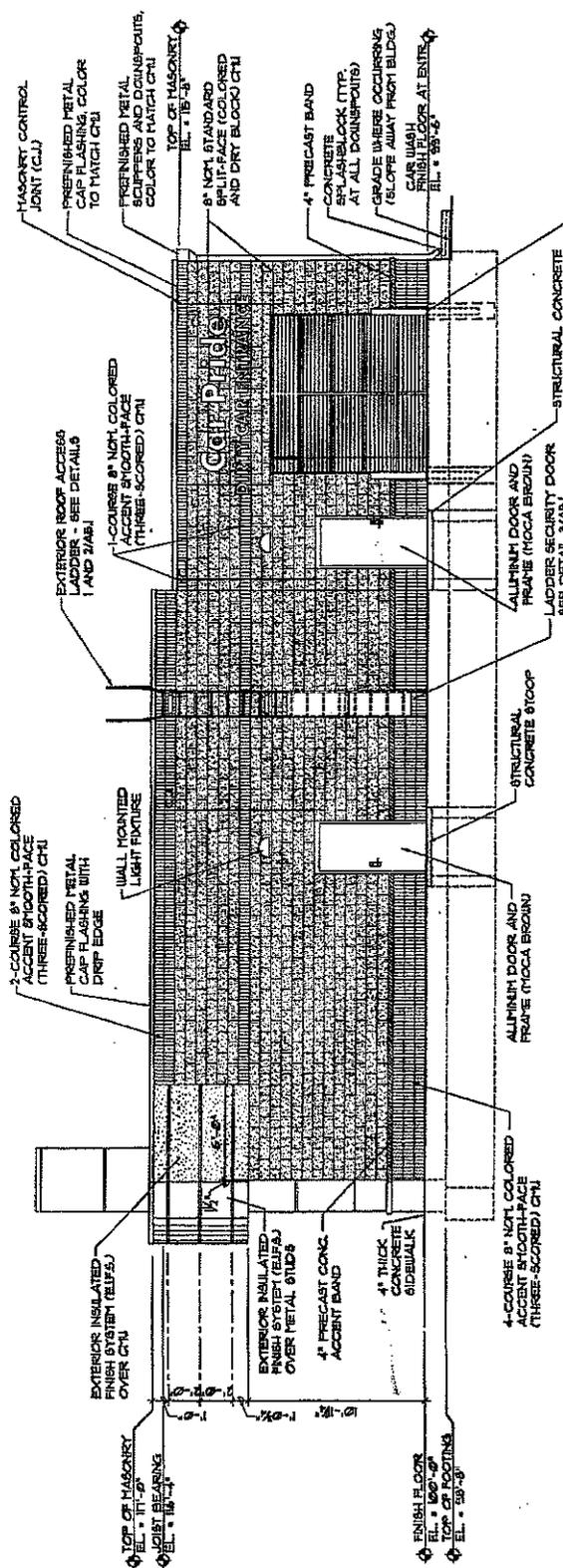
NOTE: ALL SPOT ELEVATIONS ARE 1000 PLUS UNLESS OTHERWISE INDICATED.



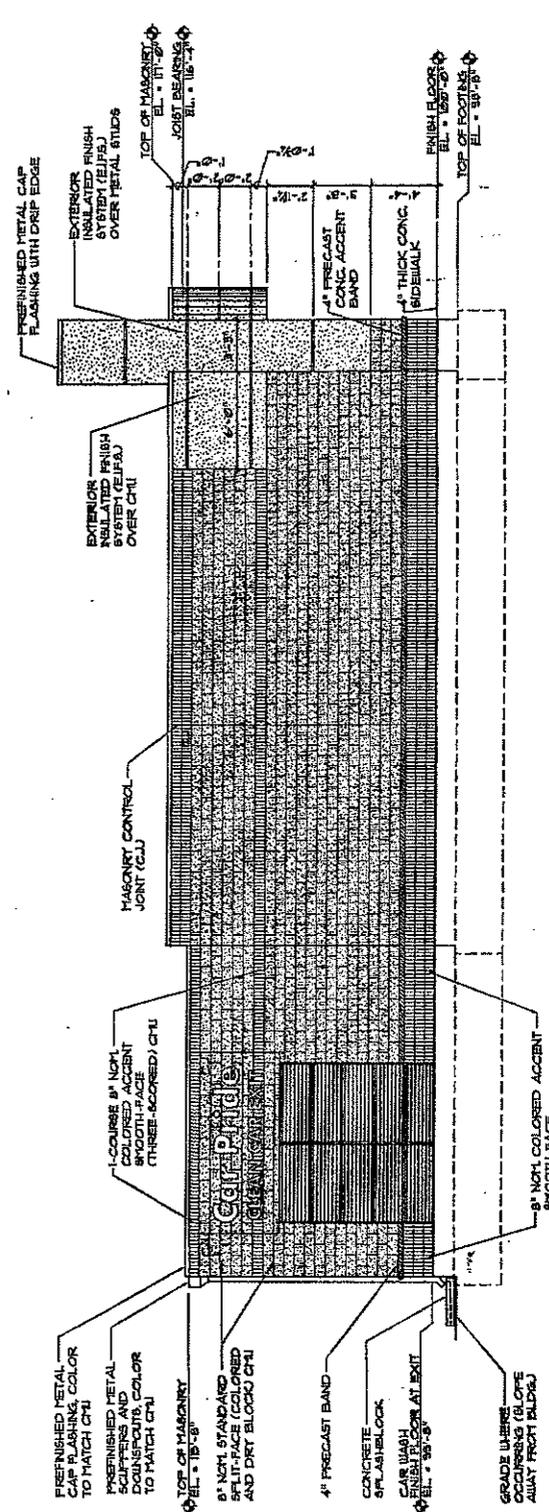
RETAINING V
NO SCALE



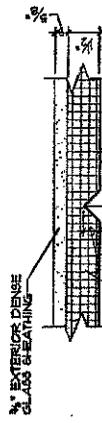


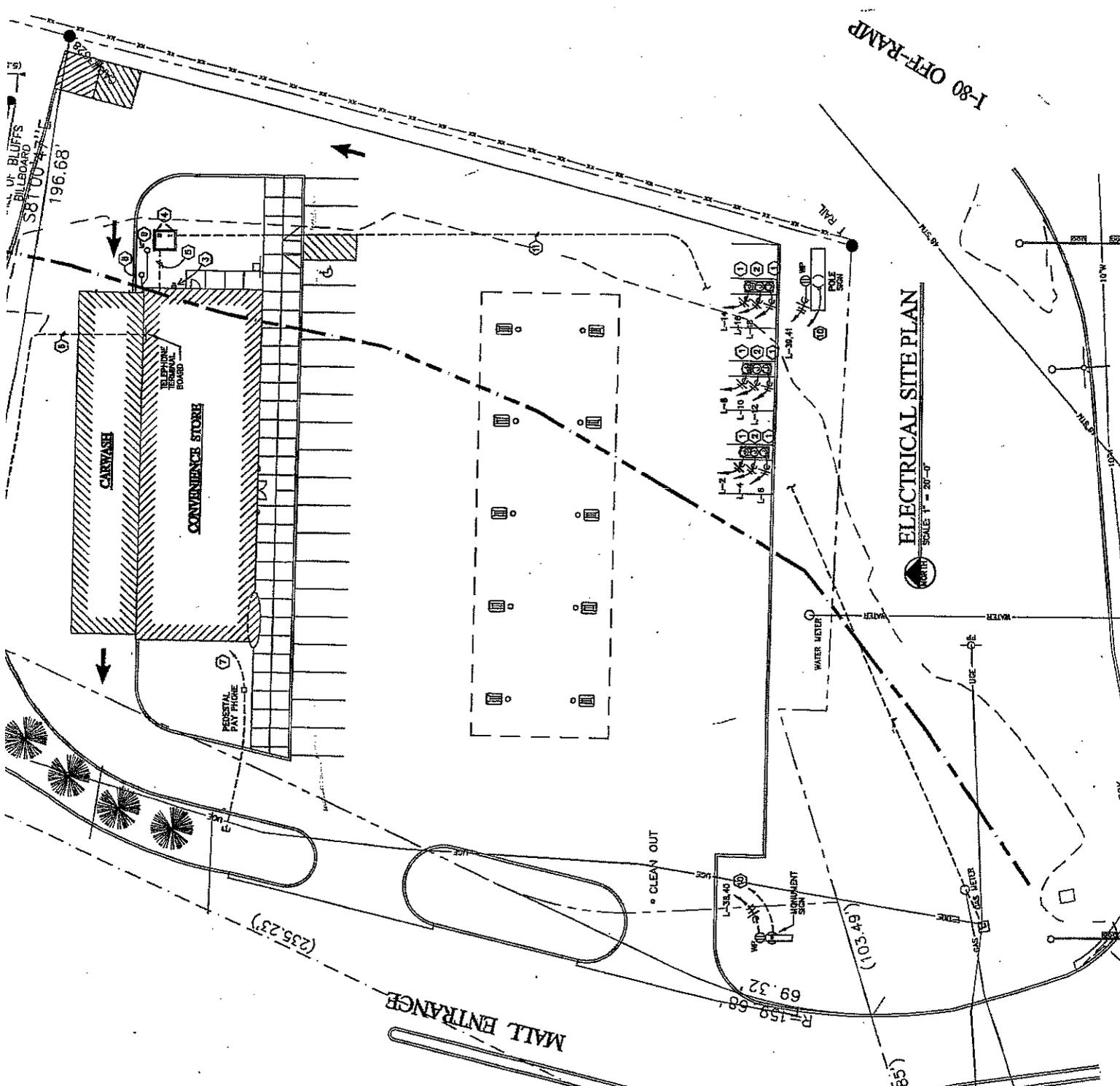


EAST BUILDING ELEVATION - ENTRANCE
 SCALE: 3/16" = 1'-0"



WEST BLDG ELEV - EXIT
 SCALE: 3/16" = 1'-0"





ELECTRICAL SITE PLAN
SCALE: 1" = 20'-0"

- 1 PROVIDE AND INSTALL (2) #10 GROUND IN 3/4" CONDUIT RUN TO EACH VACUUM PUMP UNIT.
- 2 PROVIDE AND INSTALL CIRCUIT ISLAND LIGHTING BELOW GRADE
- 3 PROVIDE METER SOCKET PER P.P.
- 4 PROVIDE AND INSTALL A 1" x 4" TRANSFORMER PAD PER ELECTRIC COMPANY SPECS. FIELD VERIFY WITH ELECTRICAL CONTRACTOR AND OBTAIN CONTRACTOR'S APPROVAL.
- 5 PROVIDE AND INSTALL (4) 3/4" PVC CONDUIT WITH (4) #1000 EACH.
- 6 PROVIDE AND INSTALL AN EMP GROUND ROD PER ELECTRICAL CODE WITH TELEPHONE BACKBOARD TO PR WITH MARKER.
- 7 PROVIDE AND INSTALL AN EMP GROUND ROD WITH PULL STRIP TELEPHONE LOCATION TO PROTECT WITH OWNER AND UTILITY COMP AND INSTALL A 1/2" CONDUIT FT. LOCATION TO TELEPHONE BACK.
- 8 PROVIDE AND INSTALL A 1" x 4" CONDUIT FOR MEN'S ROOM LOCATED STAR-UP CONDUIT. PROVIDE AND INSTALL A 1/2" CONDUIT TO TELEPHONE BACK AND INSTALL PULL STRING IN.
- 9 PROVIDE AND INSTALL A 1" x 4" CONDUIT FOR MEN'S ROOM LOCATED STAR-UP CONDUIT. PROVIDE AND INSTALL A 1/2" CONDUIT TO TELEPHONE BACK AND INSTALL PULL STRING IN.
- 10 PROVIDE AND INSTALL A 1" x 4" CONDUIT FOR MEN'S ROOM LOCATED STAR-UP CONDUIT. PROVIDE AND INSTALL A 1/2" CONDUIT TO TELEPHONE BACK AND INSTALL PULL STRING IN.
- 11 PROVIDE (2) 4" PVC CONCRETE POWER CO. PIPES TO LOCATE POWER COMPANY.

Schaefer Engineering Inc.
 Consulting Engineers
 221 E. 1st Street
 Omaha, Nebraska 68102-2607
 Phone: (402) 771-0400
 Fax: (402) 771-0400
 Email: schaefer@schaefer.com



COUNCIL COMMUNICATION

Department: <u>Public Works</u>	Ordinance No. _____	Council Action <u>June 9, 2008</u>
Case/Project No.: <u>FY07-09B</u>	Resolution No. <u>08-171</u>	
Applicant _____		

SUBJECT/TITLE

Council consideration of a resolution concurring with Iowa Department of Transportation rejecting all bids for the Fiber and PTZ Camera Installation project.

BACKGROUND/DISCUSSION

- On April 15, 2008, bids were received at the IDOT offices in Ames, IA as followed:

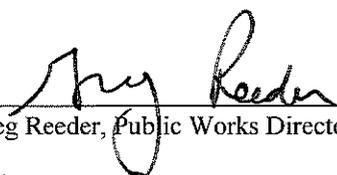
Bluffs Electric	\$780,435.00
Engineer's Estimate	\$585,605.50

- As only one bid was received and it is \$195,000 (33%) over estimate, IDOT has rejected the bid. The city needs to formally act to reject the bid as well.
- The IDOT will incorporate the proposed work into the larger interstate ITS project this fall and next spring. The city will not need to be part of that contract.
- The Federal Highway Administration (FHWA) has designated federal funding for the implementation of Intelligent Transportation System (ITS) technologies.
- ITS utilizes information and communication technologies to improve transportation system efficiencies. The applications include roadway management, incident management, emergency management, traveler information, and road weather.
- The project involves the design and construction of a video camera system and fiber optic/wireless communications to monitor interstate/arterial vehicle traffic near the Mid-America Arena/Convention Center in Council Bluffs. The ability to monitor traffic on a real time basis will assist in traffic management during arena events and crash incidents as well as during the planned interstate reconstruction. Five pan/tilt/zoom cameras will be installed at the following locations:
 - Nebraska Avenue / I-29 Interchange
 - Bass Pro Drive (33rd Street)
 - South 24th Street and 23rd Avenue
 - South 24th Street and I-29/I-80 Interchange
 - South 24th Street and US 275

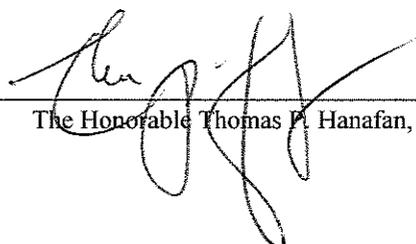
- Proposed video coverage includes:
 - I-29 between the UPRR trestle and the west I-80/I-29 system interchange
 - I-80/I-29 between Indian Creek and the west I-80/I-29 system interchange
 - South 24th Street between 23rd Avenue and south of I-80/I-29 interchange
 - 35th Street/23rd Avenue between Nebraska Avenue and South 24th Street
- Fiber optics will be installed along 24th Street, 23rd Avenue, 35th Street, and West Broadway. Also on 2nd Avenue from 19th Street to Downtown.
- Camera video feeds using new fiber optic communications will be provided to the City Traffic Operations Center (TOC) at 1901 2nd Avenue, City Hall, Pottawattamie County Court House and the IDOT Engineering Office at Broadway/Main Street. Wireless communications will be utilized to provide communications with the local IDOT maintenance shops located at 35th Street/South Expressway and on the North 25th Street extension. The long term plan will allow for placing the video images on the internet and providing a connection to the joint NDOR/IDOT ITS Traffic Management Center.
- The IDOT agreement provides for \$305,000 in state and federal ITS funds. The IDOT will fund approved costs exceeding the budget.
- The city is responsible for contracting the design and construction.
- The project has been added to the CIP on project no. FY07-09B.

RECOMMENDATION

Approval of this resolution rejecting the bid.



Greg Reeder, Public Works Director/City Engineer



The Honorable Thomas P. Hanafan, Mayor

**RESOLUTION
NO. 08-171**

**RESOLUTION CONCURRING WITH
IOWA DEPARTMENT OF TRANSPORTATION
REJECTING ALL BIDS FOR THE
FIBER AND PTZ CAMERA INSTALLATION
FY07-09B**

WHEREAS, only one bid was received and it was \$195,000 over estimate, IDOT has rejected the bid; and

WHEREAS, the Iowa Department of Transportation will incorporate the proposed work into the larger interstate ITS project this fall and next spring. The city will not need to be part of that contract

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

ADOPTED
AND
APPROVED June 9, 2008

Thomas P. Hanafan, Mayor

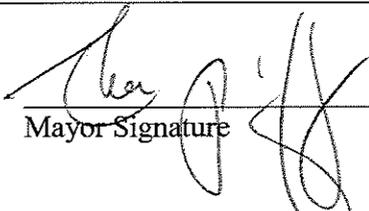
ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Human Resources	Ordinance No. Resolution No. <u>08-172</u>	Council Action <u>June 9, 2008</u>
Case/Project No.		
Applicant.		
Subject/Title		
Changes in Authorized Levels of Staffing to Coincide with Adopted Budget		
Background/Discussion		
<p>The adopted budget for FY 2009 included several additions and reclassifications requiring approval by the City Council. In addition, the Acting Finance Director has recommended several staffing changes in the City Treasurers and Purchasing divisions that can be accomplished within the approved budget. Since these changes also require Council approval they have been included with this recommendation.</p> <p>The changes included in FY 2009 budget are:</p> <ul style="list-style-type: none"> • Create three Police Officer positions • Replace the Part-time Secretary in Human Resources with a full time Administrative Secretary • Create one Assistant City Attorney position • Replace the Library I.T. position with the position of Assistant Network Administrator with this position being established in the Finance Department's Information Technology division. • Upgrade one position of Systems Information Analyst (with primary responsibility in the Fire Department) to Assistant Network Administrator • Replacement of one part-time Account Clerk II part-time with a full time Account Clerk II (additional funds come from Sanitation) <p>Additional staff changes in the Finance Department are:</p> <ul style="list-style-type: none"> • Replace the Procurement Specialist position in Purchasing with an Account Clerk II • Eliminate the full time Administrative Secretary position and in its place increase the funding of the remaining part-time Account Clerk II to full time and establish a part time Account Clerk II position at 30 hours per week. <p>It is noted that these additional Finance Department changes realign job titles more accurately as to work being performed with the same number of full and part-time employees.</p> <p>The effective date for these changes is 7-1-08.</p>		
Recommendation		
<p>It is recommended that the City Council approve the resolution creating and abolishing the positions as outlined above.</p>		

Department Head Signature



 Mayor Signature

RESOLUTION 08-172
A RESOLUTION MAKING CHANGES
TO THE AUTHORIZED STAFFING LEVELS OF THE CITY.

WHEREAS, the Mayor's budget for FY 08-09 as adopted by City Council calls for the creation and reclassification of certain full and part-time positions; and,

WHEREAS, said changes are deemed to be in the best interest of the City of Council Bluffs, Iowa:

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the following Personnel Changes are hereby adopted and approved effective July 1, 2008:

Create three Police Officer positions

Replace the Part-time Secretary in Human Resources with a full time Administrative Secretary

Create one Assistant City Attorney position

Replace the Library I.T. position with the position of Assistant Network Administrator with this position being assigned to the Finance Department's Information Technology division.

Upgrade one position of Systems Information Analyst (with primary responsibility in the Fire Department) to Assistant Network Administrator

Replace one part-time Account Clerk II with a full time Account Clerk II (additional funds come from Sanitation)

Replace the Procurement Specialist position in Purchasing with an Account Clerk II

Eliminate the full time Administrative Secretary position in the City Treasurer's Office and with these funds increase the hours of the remaining part-time Account Clerk II to full time and establish a part time Account Clerk II (30 hours per week).

Adopted
and
Approved _____, 2008

THOMAS P. HANAFAN, MAYOR

JUDITH RIDGELEY, CITY CLERK

CITY OF COUNCIL BLUFFS

INTER-OFFICE MEMO

DATE: May 30, 2008
TO: Thomas P. Hanafan, Mayor 
FROM: Linda Andersen, Acting Finance Director
RE: Resolution for authorization for bank transactions

As a result of personnel changes within the Finance Department, it is necessary to authorize certain city officials to conduct financial transactions on behalf of the City.

This action does require Council approval and a resolution effectuating these changes has been prepared. It would be my recommendation that the resolution be adopted.

7 D

RESOLUTION
NO. 08-173

A RESOLUTION authorizing city officials to endorse checks, notes, drafts, bills of exchange, and acceptances on behalf of the City of Council Bluffs in connection with its accounts at Peoples National Bank, Midstates Bank, US Bank, Liberty Bank and Council Bluffs Savings Bank.

Whereas, this shall be in effect as long as the City has monies in accounts with Peoples National Bank, Midstates Bank, US Bank, Liberty Bank and Council Bluffs Savings Bank, and

Whereas, it is in the best interests of the City of Council Bluffs to designate specific individuals who shall be authorized to withdraw funds from the city accounts at Peoples National Bank, Midstates Bank, US Bank, Liberty Bank, and Council Bluffs Savings Bank, and

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That Peoples National Bank, Midstates Bank, US Bank, Liberty Bank, and Council Bluffs Savings Bank are designated as depositories for the City of Council Bluffs, Iowa, and that the funds of the city deposited in said bank(s) shall be subject to withdrawal upon check, notes, drafts, bills of exchange, acceptances, undertakings or other orders for the payment of money when signed on behalf of the city by Thomas P. Hanafan, as Mayor and Linda J. Andersen, as Acting Director of Finance jointly; and

BE IT FURTHER RESOLVED

That in addition to the above authorized officials, Debra J. Miller as City Treasurer, or Patricia L. Hendrix, as Deputy Treasurer, shall be authorized to make telephone transactions for investment drafts, change orders, and transfer of funds; and

BE IT FURTHER RESOLVED

That the following are the genuine signatures of the above identified officials:

THOMAS P. HANAFAN MAYOR

LINDA J. ANDERSEN ACTING DIRECTOR
OF FINANCE

DEBRA J. MILLER CITY TREASURER

PATRICIA L. HENDRIX DEPUTY TREASURER

ADOPTED
AND
APPROVED June 9, 2008

THOMAS P. HANAFAN

MAYOR

ATTEST:

JUDITH H. RIDGELEY

CITY CLERK

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-08
Applicant HGM Associates

Ordinance No. _____
Resolution No. 08-174

Date June 9, 2008

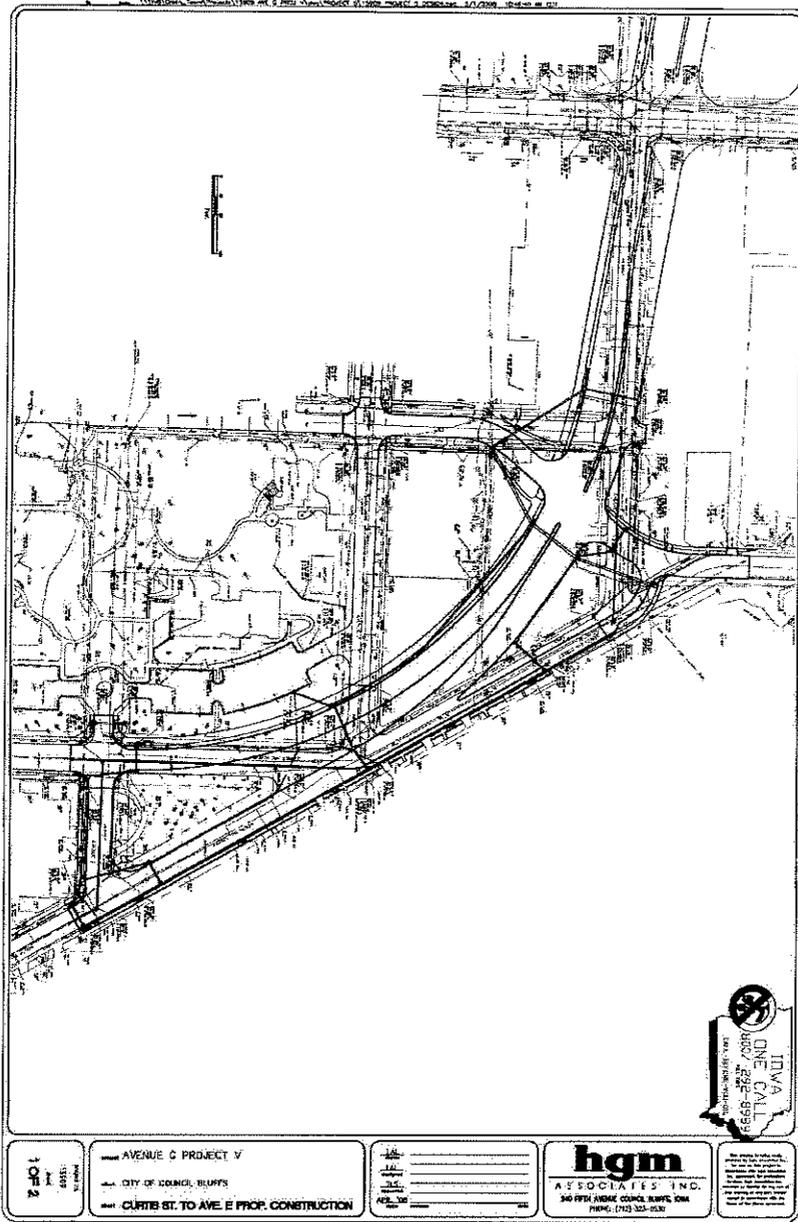
SUBJECT/TITLE

Consideration of a resolution authorizing the Mayor to execute an agreement with HGM Associates for engineering services for the Avenue G Viaduct/Corridor- Project V.

BACKGROUND/DISCUSSION

- This project will construct the new roadway alignment from Avenue G at Curtis Street to Avenue E.
- This is project FY09-08 in the CIP with a budget of \$1.5 million and will be funded by a combination of Local Sales Tax, General Obligation Bonds.
- The project schedule provides design in 2008, with letting in late 2008 or early 2009, construction completion in 2009.
- Future projects include Project VI Roadway Improvements to So. 6th Street and So. 7th Street from Avenue E to Kanesville Blvd.

7E



RECOMMENDATION

Approval of this resolution.

Greg Reeder

 Greg Reeder, Public Works Director/City Engineer

Thomas P. Hanafan

 The Honorable Thomas P. Hanafan, Mayor

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
HGM ASSOCIATES FOR ENGINEERING SERVICES
IN CONNECTION WITH THE
AVENUE G VIADUCT/CORRIDOR – PROJECT V
FY09-08
RESOLUTION NO. 08-174**

WHEREAS, the city wishes to make improvements known as the Avenue G Viaduct/Corridor – Project V, within the city, as therein described; and

WHEREAS, HGM Associates has submitted an agreement to provide engineering services for the work necessary for said improvements; and

WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized and directed to execute an agreement with HGM Associates for engineering services relative to the Avenue G Viaduct/Corridor – Project V.

ADOPTED
AND
APPROVED June 9, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Contract for Engineering Services

THIS CONTRACT, executed by the CITY OF COUNCIL BLUFFS, IOWA, FIRST PARTY, hereinafter referred to as the CONTRACTING AUTHORITY; and HGM ASSOCIATES INC., 640 Fifth Avenue, P.O. Box 919, Council Bluffs, Iowa, 51502, SECOND PARTY, hereinafter referred to as the ENGINEER; made this ____ day of _____, 2008, in consideration of the mutual covenants hereinafter:

WHEREAS, the CONTRACTING AUTHORITY proposes to make the following improvements described as:

AVENUE G - PROJECT V
CITY OF COUNCIL BLUFFS, IOWA
PROJECT NO. FY 09-08

WHEREAS, the CONTRACTING AUTHORITY desires to employ the ENGINEER to perform General Consulting and Construction Phase Engineering Services for the above designated improvement program as described in the following general Scope of Services:

I. Scope of Services:

- A. Meet with the CONTRACTING AUTHORITY to define the project and to prepare a detailed scope of services for the project.
- B. Conduct a topographic survey of defined project area in sufficient detail to prepare construction plans.
- C. Prepare plans and specifications for the construction of the project improvements. There will be two phases to this service, a preliminary design phase and a final design phase.
- D. Provide bid phase services as follows: preparation of final opinion of probable cost; distribution of bid documents, plans and specifications; attend letting; check and tabulate bids; and prepare letter of recommendation regarding award of construction contract for improvements.
- E. Provide engineering services during construction phase including part-time construction observation to allow the ENGINEER to prepare a statement that improvements have been completed in substantial compliance with the plans and specifications. Services will include a project representative, construction contract administration, staking of proposed construction improvements and the preparation of record drawings at the completion of construction.

- F. Provide project management services including coordination of other subconsultants or consulting services as directed by the CONTRACTING AUTHORITY.
- G. Additional services, as authorized in writing by the CONTRACTING AUTHORITY, requiring the use of other subconsultants or commercial testing laboratories.
- H. Prepare, as authorized in writing by the CONTRACTING AUTHORITY, right-of-way plats and descriptions, easement descriptions, outside permits and special assessments.

WHEREAS, the ENGINEER desires to accept the said employment under the terms and conditions hereinafter outlined.

NOW, THEREFORE, IT IS AGREED AND STIPULATED by and between the parties hereto as follows:

II. Terms and Conditions:

- A. The ENGINEER agrees to:
 - 1. Provide all office and field equipment and supplies to perform such duties designated in the scope of services.
 - 2. Provide, in addition to his own professional services, the necessary personnel to perform such duties as shall be designated by the CONTRACTING AUTHORITY and to act under the direction of said authority.
- B. The CONTRACTING AUTHORITY agrees to employ and pay the ENGINEER under the following terms and conditions:
 - 1. For items I.A. and I.F. of the scope of services, the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll costs times 2.15 with a negotiated "not to exceed" maximum amount.
 - 2. For items I.B., I.C., and I.D. of the scope of services, the fees will be a negotiated lump sum amount for each of these services.
 - 3. For item I.E. of the scope of services, the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.15 with negotiated maximum amount based on a percent (%) of the *averaged construction cost amount*. The *averaged construction cost amount* shall be equal to the average amount of the bid amount of the two (2) low bidders.
 - 4. For item I.G. the fee will be the actual cost as billed by the subconsultant or commercial testing laboratory.

5. For item I.H. the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.15.
6. For additional services performed by the ENGINEER as authorized in writing by the CONTRACTING AUTHORITY the fees will be computed on an hourly basis by multiplying the ENGINEER'S payroll cost times 2.15.
7. All engineering and related fees will be billed on a monthly basis for services rendered during the specific period.
8. The payroll cost used as a basis for payment shall mean the salaries and wages paid to principals and employees engaged directly on the project, including--but not limited to -- engineers, architects, surveyors, designers, drafters, specification writers, estimators, other technical personnel, stenographers, typists, and clerks; plus the cost of fringe benefits including -- but not limited to -- social security contributions, unemployment, excise and payroll taxes, workmen's compensation, health and retirement benefits, sick leave, vacation and holiday pay applicable thereto. The payroll cost will be determined by multiplying actual payroll times 1.30.

C. GENERAL CONDITIONS:

1. Ownership of Documents:

Both parties agree that the ownership of documents prepared by the ENGINEER at the direction of the CONTRACTING AUTHORITY, including specifications, drawings, maps, plats, and other related documents, shall be and remain property of the CONTRACTING AUTHORITY; and further, that such right in the CONTRACTING AUTHORITY shall not preclude the right of the ENGINEER to make and retain copies of same, to which copies ENGINEER shall have full right of ownership.

2. Termination of Agreement:

This agreement, or any portion thereof, may be terminated immediately upon written notice by the CONTRACTING AUTHORITY. In event such Notice of Termination shall be given by the CONTRACTING AUTHORITY, the payment for unbilled Engineering Services for work performed prior to the date of termination shall be determined by multiplying the ENGINEER'S payroll cost times 2.15, plus outside expense.

3. Revision of Completed Documents of Service:

Drafts of documents of service shall be submitted to the CONTRACTING AUTHORITY by the ENGINEER for review and comment. The comments received from the CONTRACTING AUTHORITY and the reviewing agencies shall be incorporated by the ENGINEER prior to submission of the final work product by the ENGINEER. Documents of service revised in accordance with review comments shall constitute "satisfactorily completed and accepted work." Requests for changes on documents of service by the CONTRACTING AUTHORITY shall be in writing. In the event there are no comments from the CONTRACTING AUTHORITY or reviewing agencies to be incorporated by the ENGINEER into the final document of service, the CONTRACTING AUTHORITY shall immediately notify the ENGINEER, in writing, that the document of service is considered to constitute "satisfactorily completed and accepted work."

In the event that the document of service prepared by the ENGINEER is found to be inadequate and revision or reworking of the document of service is necessary, the ENGINEER agrees that it shall do such revising without expense to the CONTRACTING AUTHORITY, even though final payment may have been received. The ENGINEER must give immediate attention to these changes so there will be a minimum of delay in the project. Should the CONTRACTING AUTHORITY find it desirable to have previously satisfactorily completed and accepted document of service or parts thereof revised, the ENGINEER shall make such revisions if requested and directed by the CONTRACTING AUTHORITY in writing. This work will be paid for as provided in Section II.B.6.

4. Extra Work/Changes in Scope:

If the ENGINEER is of the opinion that any work it has been directed to perform is beyond the scope of this Agreement, and constitutes "Extra Work," the ENGINEER shall promptly notify the CONTRACTING AUTHORITY in writing to that effect. In the event that the CONTRACTING AUTHORITY determines that such work does constitute "Extra Work," the CONTRACTING AUTHORITY shall provide extra compensation to the ENGINEER as provided in Section II.B.6. or at a negotiated lump sum. Unless written approval from the CONTRACTING AUTHORITY for "Extra Work" has been secured in advance from the ENGINEER, no claims will be allowed. However, the CONTRACTING AUTHORITY shall have benefit of the service rendered.

5. Indemnification:

The ENGINEER hereby agrees to indemnify, defend and save harmless the CONTRACTING AUTHORITY, its officers, agents, and employees from and against any and all claims arising out of the negligent acts, errors, or omissions of the ENGINEER, its officers, agents, and employees in the execution of the work specified in this contract.

6. Insurance:

The ENGINEER hereby agrees to obtain and to keep in force during the term of this contract the below-described insurance coverage relating to the work specified under this contract. The ENGINEER will furnish the CONTRACTING AUTHORITY with evidence of such coverage prior to commencing any work under this contract.

Insurance coverage, which the ENGINEER shall obtain and keep in force, is as follows:

- a. Worker's Compensation insurance as required under the laws applicable to the work, and Employer's Liability insurance at a level of \$500,000, which shall cover all of the ENGINEER'S employees engaged in the work.
- b. Automobile Liability insurance covering all automotive equipment used in connection with the work under this contract, with not less than \$1,000,000 bodily injury per occurrence, and property damage insurance with \$500,000 per occurrence and \$1,000,000 aggregate.
- c. Comprehensive General Liability insurance (including contractual, products and completed operations liability insurance) covering work performed under this contract, with not less than \$1,000,000 per occurrence for bodily injury, and property damage insurance with limits of \$500,000 per occurrence and \$1,000,000 aggregate.
- d. Excess Liability insurance of \$1,000,000.

7. Successors and Assigns:

Both parties agree that, upon execution of this agreement, same shall be binding upon their/its successors, assigns, and legal representatives until terminated by the expiration of agreement or termination by written notice, as provided above.

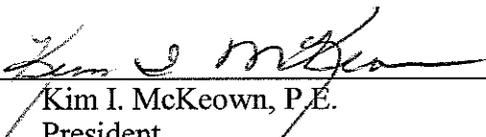
Dated this _____ day of _____, 2008.

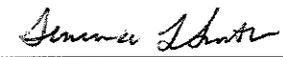
CITY OF COUNCIL BLUFFS, IOWA * FIRST PARTY
CONTRACTING AUTHORITY

By: _____
Mayor: Thomas P. Hanafan

Attest: _____
City Clerk: Judith H. Ridgeley

HGM ASSOCIATES INC. * SECOND PARTY
ENGINEER

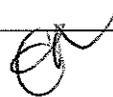
By:  _____
Kim I. McKeown, P.E.
President

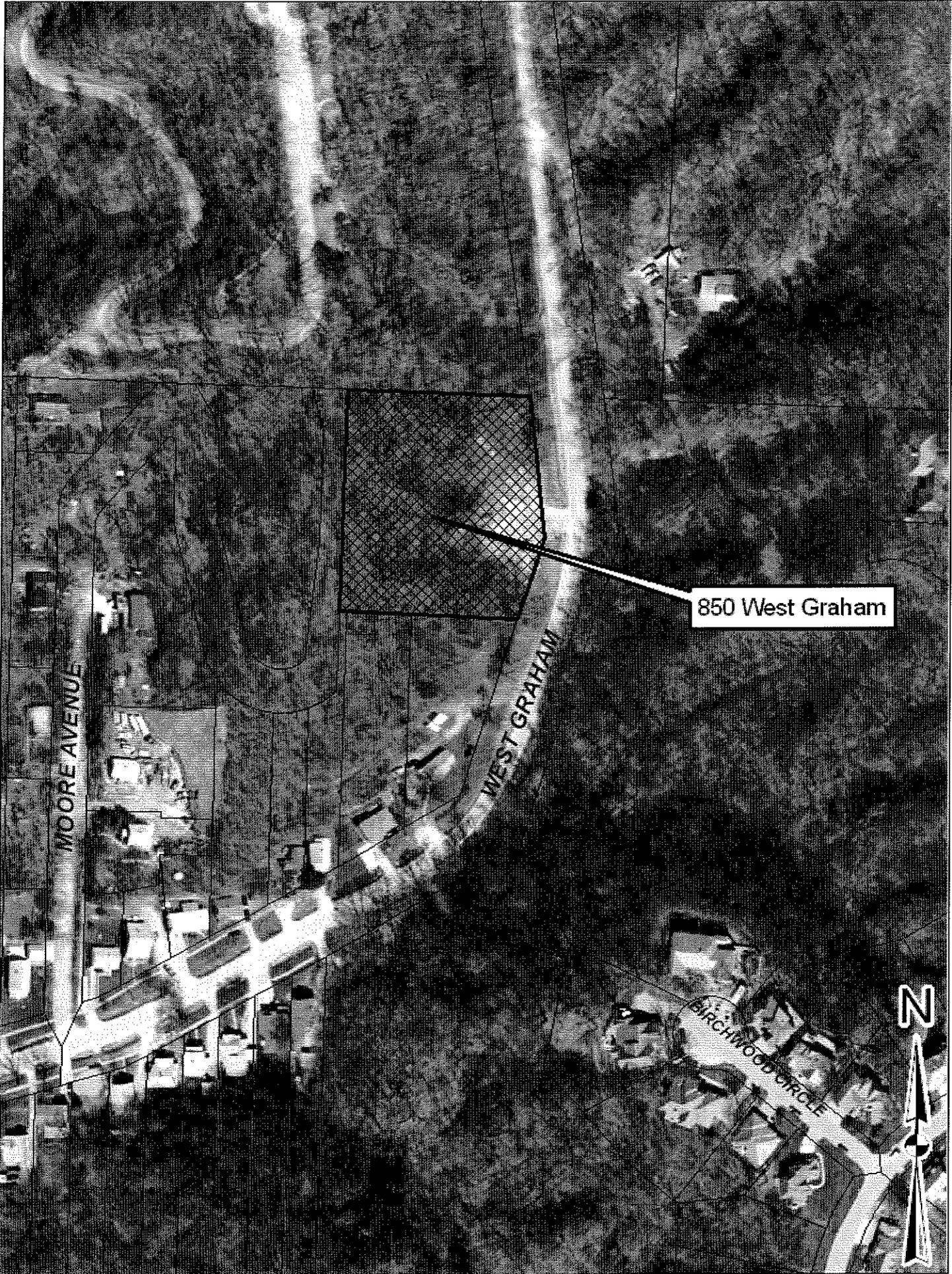
Attest:  _____
Terrence L. Smith, P.E.
Project Manager

Council Communication

Department: Community Development Case/Project No. N/A	Ordinance No. Resolution No. 08-175	Council Action: <u>6/9/2008</u>
Subject/Title		
<p>On June 23, 2003, City Council adopted Resolution No. 03-138 which approved the Playland Park Urban Renewal Plan and Area. The urban renewal area established by this action includes 89 acres of developed and undeveloped property in the vicinity of I-480 and 41st Street. The intent of this action was to cause the redevelopment of the Former Frito Lay site and adjacent properties and develop the vacant land on both sides of the Missouri River levee generally west of North 40th Street and south of Avenue B. As you are aware, the former Frito Lay site was acquired and prepared for the construction of a multi-family housing project. Further, a development plan for the vacant land on both sides of the Missouri River levee generally west of North 40th Street and south of Avenue B was adopted on December 10, 2007. Efforts are now underway to implement the recommendations of this document.</p>		
Background/Discussion		
<p>The area included in the development plan includes the existing Playland Park. Playland Park consists of 8.83 acres and was constructed in the early 1980s using federal Land and Water Conservation Funds (LAWCON). Plans propose to convert 7.26 acres of Playland Park for public infrastructure and private development. However, LAWCON regulations require an equal monetary value replacement of any park land that was previously assisted with LAWCON funds. Based on an appraisal by Mitchell and Associates, the monetary value of the 7.26 acres has been established at \$240,000. Therefore, in order to convert the 7.26 acres of park land, a total of \$240,000 land will need to be acquired at other locations within the community. Staff anticipates the acquisition of 3 or 4 parcels of land will be necessary to meet this requirement.</p> <p>Currently, a 1.83 acre parcel located at 850 West Graham is listed for sale. An appraisal was complete on the property which set a value of \$45,000 and the owner is willing to dispose of the property for that amount. The property abuts Fairmont Park and was identified in the master redevelopment plan for the park as a parcel that should be added to the park holdings.</p>		
Recommendation		
<p>Approval of resolution authorizing the Mayor to execute a purchase agreement for 850 West Graham for \$45,000.</p>		

Submitted By: Donald Gross, Director, Community Development Department
Approved By: Donald Gross, Director, Community Development Department





850 West Graham

N

RESOLUTION NO. 08-175

A RESOLUTION AUTHORIZING THE MAYOR TO ACQUIRE PROPERTY AT 850 WEST GRAHAM AVENUE AS PART OF THE PLAYLAND PARK LAND MITIGATION PROJECT.

WHEREAS, the City has adopted a development plan for the area north of I-480 and North 41st Street which includes Playland Park; and

WHEREAS Playland Park which consists of 8.83 acres was constructed in the early 1980s using federal Land and Water Conservation Funds (LAWCON); and

WHEREAS the said development plan proposes to convert 7.26 acres of Playland Park for public infrastructure and private development; and

WHEREAS, LAWCON regulations implemented by the Iowa Department of Natural resources (IDNR) require an equal monetary value replacement of converted park land; and

WHEREAS, the monetary value of the 7.26 acres has been appraised at \$240,000; and

WHEREAS, a 1.83 acre parcel located at 850 West Graham can be acquire for \$45,000 which is a partial replacement; and

WHEREAS existing project fund balances are available to acquire the property; and

WHEREAS, City Council finds that the acquisition of the property would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Mayor is hereby authorized and directed to execute a option to purchase 850 West Graham for \$45,000.

ADOPTED

AND

APPROVED: June 9, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith Ridgeley

City Clerk

Council Communication
June 9, 2008 City Council Meeting

Department: Community Development	Ordinance No.: N/A	
Case/Project No.: N/A	Resolution No.: <u>08-176</u>	Council Action: <u>June 9, 2008</u>
Subject/Title		
Application to the Iowa Department of Economic Development for benefits under the Community Economic Betterment Account and the Targeted Jobs Withholding Tax Credit Programs by Telmar Network Technology		
Location		
325 West South Omaha Bridge Road		
Background/Discussion		
<p><u>Background</u> Telmar Network Technology is currently in the process of consolidating operations from a company it purchased in Texas with their facility located at 325 West South Omaha Bridge Road. This business has provided jobs for area residents since inception in 1964. This business is a value added reseller and distributor of telephone transmission equipment buying and selling new and pre-owned equipment. The project involves the retention of 99 existing jobs and the creation of 10 new jobs over 3 years. These existing and new jobs would be at risk if the consolidation did not occur in Council Bluffs. The business will also make building and equipment investments of \$450,000, research and development investments of \$200,000 and lease temporary warehouse space in Carter Lake.</p> <p><u>Discussion</u> Telmar Network Technology desires to apply to the State of Iowa, Department of Economic Development for benefits under the Community Economic Betterment Account (CEBA) and the Targeted Jobs Withholding Tax Credit Programs. The CEBA program will provide for a \$150,000 forgivable loan, which would be forgiven once the company creates/maintains the 99 existing and 10 new jobs, and a \$150,000 loan at 0% interest over 5 years. CEBA requires a local match which will be met through a \$60,000 loan at 0% over 5 years from the Pottawattamie County Growth Alliance. The Targeted Jobs Withholding Tax Credit Program will provide a diversion of employee withholding taxes from the State to the City and then back to the company to utilize for project expenses. This diversion will occur over an approximate 6-year period beginning when approved by the IDED and until the \$450,000 level is reached. The Targeted Jobs Withholding Tax Credit Program requires a separate withholding agreement and development agreement that specifically addresses the Withholding Program.</p> <p>Based on a review of the application, the project meets the requirements of creating a minimum of 10 jobs at the required scale and retaining the 99 existing jobs to qualify for the above benefits.</p>		
Staff Recommendation		
The Community Development Department recommends that the City Council adopt a resolution supporting the application by Telmar Network Technology for benefits under the Community Economic Betterment Account and the Targeted Jobs Withholding Tax Credit Programs and approving the associated Withholding and Development agreements.		
Attachments		
Resolution; The Application for Financial Assistance, the Development Agreement and the Withholding Agreement discussed above have been provided under separate cover.		

Submitted by: Mark Norman, Pottawattamie County Growth Alliance
 Approved by: Donald D. Gross, Director, Community Development Department

76

RESOLUTION NO. 08-176

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA AUTHORIZING A JOINT APPLICATION TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT BY THE CITY OF COUNCIL BLUFFS AND TELMAR NETWORK TECHNOLOGY FOR BENEFITS UNDER THE COMMUNITY ECONOMIC BETTERMENT ACCOUNT AND THE TARGETED JOBS WITHHOLDING TAX CREDIT PROGRAMS; AND APPROVING THE WITHHOLDING AND DEVELOPMENT AGREEMENTS BETWEEN TELMAR NETWORK TECHNOLOGY AND THE CITY OF COUNCIL BLUFFS.

WHEREAS, Telmar Network Technology has been a valued employer in Council Bluffs for over 40 years; and

WHEREAS, Telmar Network Technology is currently in the process of consolidating operations from Texas into their facility located at 325 West South Omaha Bridge Road; and

WHEREAS, Telmar Network Technology will retain 99 full-time jobs and create 10 new positions over a 3-year period; and

WHEREAS, The Application for Financial Assistance and the associated Withholding and Development Agreements provide for Telmar Network Technology to receive low-interest and forgivable loans and a diversion of wage withholding taxes; and

WHEREAS, It is in the opinion of the City Council that it would be in the best interest of the City of Council Bluffs to support the application of Telmar Network Technology to the Iowa Department of Economic Development and to enter into certain Development and Withholding Agreements relating to this project.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

Section 1.0 That the City declares Telmar Network Technology is an eligible business for Community Economic Betterment Account and Targeted Jobs Withholding Tax Credit Program benefits.

Section 2.0 The City Council approves Telmar Network Technology's requests for state assistance through the Community Economic Betterment Account and for the diversion of withholding taxes to be granted back to the company for qualifying project expenditures.

Section 3.0 That the City shall provide a copy of this resolution to the Iowa Department of Economic Development and shall file this resolution with the Pottawattamie County Recorder.

Section 4.0 The Mayor is hereby authorized to take such further actions as are deemed necessary in order to carry into effect the provisions of this resolution including the signing of certain development and withholding agreements relating to the project.

Section 5.0 The provisions of this resolution shall be governed by the laws of the State of Iowa.

- Section 6.0** That all resolutions and parts thereof in conflict therewith are hereby repealed to the extent of such conflict.
- Section 7.0** That the provisions of this resolution are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases and provisions hereof.
- Section 8.0** That the approval of the Community Economic Betterment Account and Targeted Jobs Withholding Tax Credit Program benefits are contingent upon the company meeting all other City codes and ordinances.
- Section 9.0** That this resolution shall become effective immediately upon passage and approval.

ADOPTED
AND
APPROVED: June 9, 2008

Thomas P. Hanafan Mayor

ATTEST: Judith H. Ridgeley City Clerk

Memorandum

TO: Thomas P. Hanafan, Mayor
& City Council Members

FROM: Mark Norman, Pottawattamie County Growth Alliance

DATE: May 29, 2008

RE: Community Economic Betterment Account and Targeted Jobs Withholding Tax Credit Program Application to Iowa Department of Economic Development for Telmar Network Technology

Attached please find an Application to the Iowa Department of Economic Development on behalf of Telmar Network Technology for benefits under the Community Economic Betterment Account and Targeted Jobs Withholding Tax Credit Program.

In this packet, you will find:

- Application for Financial Assistance
- Withholding Agreement for the Targeted Jobs Withholding Program
- Development Agreement for the Targeted Jobs Withholding Program

These items are scheduled for your review at the June 9, 2008 Council meeting.

At the request of the business and in accordance with Iowa confidential records law, they are asking that company payroll and finance information be kept confidential. You are being provided the application minus these documents. If you wish to review them, please contact the Community Development Department where this information is on file

If you have any questions, please do not hesitate to contact me.

Mark

COUNCIL COMMUNICATION

Department: Public Works
 Case/Project No.: FY08-05B
 Applicant _____

Ordinance No. _____
 Resolution No. 08-177

Council Action: June 9, 2008

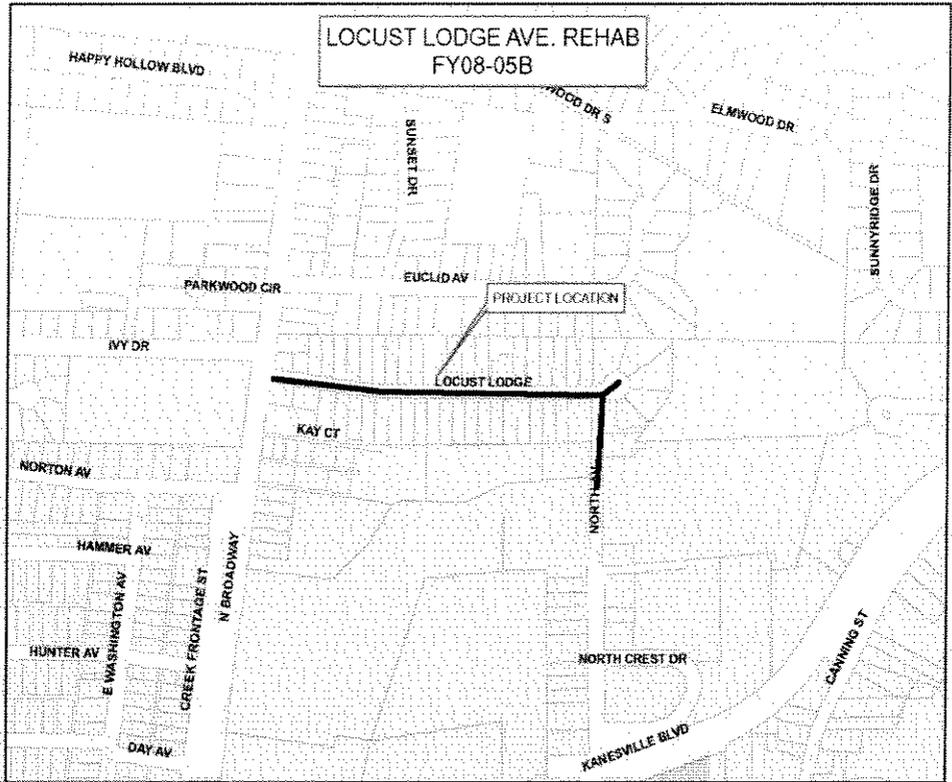
SUBJECT/TITLE

Council consideration of a resolution accepting the work of R. D. Blue as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Locust Lodge Avenue Rehab.

BACKGROUND/DISCUSSION

- Locust Lodge Avenue is a residential roadway which carries 3,000 vehicles per day according to the 2004 MAPA traffic data.
- Locust Lodge Avenue was paved in 1963 and was in poor condition.
- There was no storm sewer on Locust Lodge and in heavy rain events runoff left the roadway resulting in erosion of yards and the potential for flooding in homes.
- The project constructed storm sewer, replacing the old sanitary sewer and replacing the existing failing pavement.
- The project is FY08-05B in the CIP and was budgeted from Local Sales Tax revenue. Water Works will reimburse the city for Division V.

	Division I-IV	Division V	Total
• Original contract amount	\$856,152.79	\$165,365.00	\$1,021,517.79
Change Orders	(\$ 68,412.42)	(\$ 10,374.02)	(\$ 78,786.44)
Final contract amount	\$787,740.37	\$154,990.98	\$ 942,731.35
Less previous payments	\$748,353.36	\$147,241.43	\$ 895,594.79
Retainage due contractor	\$ 39,387.01	\$ 7,749.55	\$ 47,136.56



RECOMMENDATION

Approval of this resolution.

Greg Reeder, Public Works Director/City Engineer

The Honorable Thomas P. Hanafan, Mayor

RESOLUTION
NO. 08-177

**RESOLUTION ACCEPTING THE WORK OF
R. D. BLUE IN CONNECTION WITH
THE LOCUST LODGE AVENUE REHAB
FY08-05B
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$47,136.56**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with R. D. Blue, Crescent, IA for the Locust Lodge Avenue Rehab; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$47,136.56 to R. D. Blue has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$47,136.56 constitutes a valid obligation of the City and should in its best interest be paid.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That said report of the engineer is hereby approved and adopted, and said improvements are hereby accepted as having been fully completed in accordance with said plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$47,136.56 payable to R. D. Blue from budget codes G21600-676000, G21600-676200, G21600-676500, G21600-676700, and G21600-678000 Project # 00283.

ADOPTED
AND
APPROVED June 9, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Community Development Donald D. Gross, Director Applicant: HCC Investments LLC	Resolution No. <u>08-178</u>	City Council Meeting: June 9, 2008
Subject/Title		
Authorization to execute a development agreement, prior to approval of property line adjustment on land outside of the City.		
Background/Discussion		
<p>St. Patrick Parish wants to acquire a 12.537 acre parcel located along the east side of State Orchard Road as the site for a new parish church. HCC Investments LLC owns 73 acres in this area as shown on Exhibit 'A'. They are willing to sell the land which abuts State Orchard Road and the proposed Stevens Road, as described in Exhibit 'B'. The City has acquired the right-of way for Stevens Road and to extend sanitary sewer from the south to serve the Hills of Cedar Creek. This land is not within the City.</p> <p>The City will initiate annexation of the larger area in the near future; however, in order to assure that all future construction is annexed and fully served with required municipal improvements, this development agreement is needed to commit the current and future owners to agree to voluntary annexation and full extension of required public improvements. When annexed, the land will be platted and those conditions will be a part of the subdivision approval process. Upon execution of the development agreement, the City and the County can approve a property line adjustment with these conditions which will allow HCC Investments LLC to sell the property as described in Exhibit 'B' to the Church. St. Patrick's does not intend to build on the property for five to ten years.</p>		
Recommendation		
Authorize the Mayor to execute the attached development agreement between the City, HCC Investments LLC and St. Patrick Parish.		



RESOLUTION NO. 08-178

A RESOLUTION authorizing the Mayor to execute a Development Agreement with HCC Investments LLC and St. Patrick Catholic Church.

WHEREAS, HCC Investments LLC wishes to sell a 12.537 acre parcel of property located outside the city limits to St. Patrick Parish as the site for a future church; and

WHEREAS, it is in the City's interest to assure orderly annexation and extension of public improvements, including sanitary sewer, to serve the proposed facility; and

WHEREAS, the development agreement establishes the rights, obligations, duties and responsibilities of the parties, including voluntary annexation and full extension of required public improvements; and

WHEREAS, after study and consideration, this Council deems the execution of the Development Agreement to be in the best interests of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the Mayor is hereby authorized to execute the Development Agreement with HCC Investments LLC and St. Patrick Parish prior to approval of a property line adjustment.

ADOPTED

AND

APPROVED June 9, 2008

THOMAS P. HANAFAN

Mayor

Attest:

JUDITH RIDGELEY

City Clerk

DEVELOPMENT AGREEMENT

THIS AGREEMENT made on or as of the 9th day of June 2008, by and between the City of Council Bluffs, Iowa (hereinafter referred to as 'City') and HCC Investments LLC (hereinafter referred to as 'Owner') and St. Patrick Catholic Church (hereinafter referred to as 'Purchaser').

WITNESSETH:

WHEREAS, HCC Investments LLC is the owner of approximately 73.28 acres in five parcels shown in Exhibit 'A', located east of State Orchard Road, outside of the City of Council Bluffs, Pottawattamie County, Iowa; and

Whereas, Owner wishes to sell a 12.537 acre parcel as described in Exhibit 'B'; to Saint Patrick Parish as the site for a future church; and

Whereas, it is in the City's interest to assure orderly annexation and extension of public improvements, including sanitary sewer to serve the proposed facility, the City, Owner and Purchaser propose to establish between and among themselves their various rights, obligations, duties and responsibilities.

NOW, THEREFORE, in consideration of the promises and mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:

1. The Owner and Purchaser agree to voluntary annexation by the City of the entire 73.28 acres, including the proposed parcel as described in Exhibit "A" when requested by the City.
2. The Owner agrees to secure approval of a property line adjustment by both the County and the City to accommodate the proposed construction on the 12.537 acre parcel. The Owner shall be responsible for all administrative, legal and survey costs associated with this action.
3. The Purchaser agrees to extend sanitary sewer, to the property at no cost to the City, concurrent with the building permit application.

GENERAL CONDITIONS

1. This Agreement shall be binding on the parties, their successors and assigns. Notwithstanding anything else to the contrary contained herein, Owner shall have the right at any time to assign all of its rights and obligations hereunder.
2. This Agreement shall be interpreted according to the laws of the State of Iowa.

3. Any notice, demand, or communication under this Agreement by either party to the other shall be sufficiently given if it is dispatched by regular mail, or delivered personally as follows:

IN CASE OF THE OWNER, TO:

HCC Investments LLC
1705 McPherson Ave. GL500
Council Bluffs, IA 51503
402-212-6217

IN CASE OF THE CITY, TO:

Thomas P. Hanafan, Mayor
City of Council Bluffs
209 Pearl Street
Council Bluffs, Iowa 51503
712 328-4601

IN CASE OF THE PURCHASER, TO:

St. Patrick Catholic Church
Father David Fleming, Pastor
223 Harmony St.
Council Bluffs, IA 51503

IN WITNESS WHEREOF, the City, Owner and Purchaser have caused this Agreement to be duly executed as of the date and year first above written.

City
City of Council Bluffs

By: _____
Thomas P. Hanafan, Mayor

Owner
HCC Investments LLC

By: _____
Jerry Duggan
for HCC Investments LLC

Purchaser
St. Patrick Parish

By: _____
Fr. David Fleming
Pastor, St. Patrick Parish

June 10, 2008

Jerry Duggan
HCC Investments LLC
1705 McPherson AVE. GL 500
Council Bluffs, IA 51503

RE: State Orchard Road property

Dear Mr. Duggan:

Enclosed are three copies of the development agreement for the requested lot line adjustment for your property east of State Orchard Road. If you find the terms and conditions of the agreement acceptable, please execute both and return. Upon the Mayor's signature, I will forward a fully executed agreement to you. If you have any questions, please let me know.

Sincerely,

Donald D. Gross, Director
Community Development Department

enc.

June 10, 2008

Fr. David Fleming, Pastor
St. Patrick Catholic Church
223 Harmony St.
Council Bluffs, IA 51503

RE: State Orchard Road property

Dear Fr. Fleming:

Enclosed are three copies of the development agreement for the requested lot line adjustment for property you wish to acquire from HCC Investments LLC, east of State Orchard Road. If you find the terms and conditions of the agreement acceptable, please execute both and return. Upon the Mayor's signature, I will forward a fully executed agreement to you. If you have any questions, please let me know.

Sincerely,

Donald D. Gross, Director
Community Development Department

enc.